



James B. Conte
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May 27, 2009

Via Facsimile (571) 273-0052

Board of Patent Appeals & Interferences
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request to Correct Docketing Notice
Appeal No. 2009-9839
Application No. 10/752,651
Appellant: Richard C. Fuksa et al.
Our File No.: 4447-103017-US

Dear Docketing Administrator:

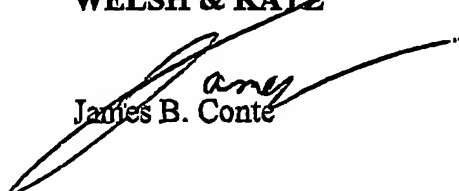
We received the Docketing Notice from the Patent Appeals Board. The Docketing Notice is in error. The Docketing Notice erroneously indicates that no Oral Hearing was requested. Applicant requested an Oral Hearing on April 21, 2008. The image file wrapper shows that the Oral Hearing request was filed electronically on this date.

A copy of the Oral Hearing request is enclosed.

The Board is requested to re-issue a Docketing Notice calendaring an Oral Hearing date.

With kindest regards,

**HUSCH BLACKWELL SANDERS LLP
WELSH & KATZ**



James B. Conte

JBC:cmd
Enclosure(s)

PTO/SB/32 (01-08)

Approved for use through 04/30/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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| | | | |
|--|--|---|--------------------------------|
| REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES | | Docket Number (Optional) CONFIRMATION NO. 4106 | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ | | In re Application of FUSKA ET AL | |
| Signature _____ | | Application Number 10/752,651 | Filed 01/07/2004 01/07/2004 |
| Typed or printed name _____ | | For PIN INSERT Art Unit 3753 | |
| | | Examiner SCHNEIDER, CRAIG M | |

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) \$ 1,030.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 230920. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

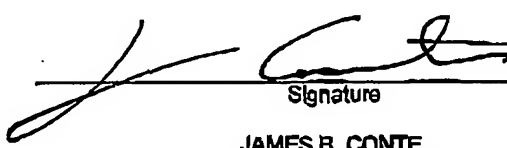
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/95)

☒ attorney or agent of record.
Registration number 54,681

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____


 Signature
JAMES B. CONTE
 Typed or printed name
 APRIL 21, 2008
 Date
 312-655-1500
 Telephone number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.20(b)(3). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

PTO/SB/32 (01-08)

Approved for use through 04/30/2008. OMB 0861-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

☒ attorney or agent of record. Registration number 54,681

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____


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JAMES B. CONTE
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 APRIL 21, 2008
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